



## **Daytime Support for Adults with a Learning Disability**

### **SUMMARY**

- 1.1 This report provides a background and summary of the work to modernise the way the Council offers daytime support to adults with a learning disability. It explains the rationale for the public consultation approved by Council Cabinet on the 15<sup>th</sup> August 2012. It does not provide recommendations as the public consultation is still in progress.
- 1.2 The proposal builds on work that has been happening for a number of years to modernise the way adults with a learning disability are supported during the day in line with local and national policy and in accordance with the personalisation of adult social care.
- 1.3 The proposal affects the service provided by the Council at the Wetherby Centre, a large building on a light industrial estate in Alvaston, a base from which a total of approximately 120 people are supported. This will involve the Council offering personal budgets to all those people currently using the Wetherby Centre and supporting them to explore a range of options that focus on achieving greater independence, social inclusion and involvement in community life.
- 1.4 On 15<sup>th</sup> August Cabinet agreed that public consultation would take place from 20<sup>th</sup> August to 17<sup>th</sup> November 2012  
The consultation is seeking views on the following proposals:
  - The Council ceases to provide a service at the Wetherby Centre and the building will close;
  - As part of the consultation, officers explore the feasibility of the Council continuing to provide daytime support that meets desirable outcomes for people, if people choose it, and which is affordable within people's Personal Budgets;
  - The Council develop alternative facilities for people with profound and multiple disabilities who currently use 'Inspire' (a separate unit within the Wetherby Centre supporting people with profound and multiple disabilities), keeping the existing unit open until such an alternative is in place; and
  - the Council will continue to ensure people with eligible needs are supported during the day by giving everyone a Personal Budget. People will be supported to choose the activities they wish to pursue that achieve outcomes around work and community engagement, and to 'pool' their Personal Budgets if they wish

to enable people to continue to share support with friends and those with a shared interest.

## **RECOMMENDATION**

- 2.1 To consider and comment on the report.

## **REASONS FOR RECOMMENDATIONS**

- 3.1 The report falls within the remit of the Board.

## **SUPPORTING INFORMATION**

- 4.1 The Wetherby Centre opened in the 1960s and represents a model of supporting people that is now out of date for the 21<sup>st</sup> century. The building itself is generally in poor condition and it is not located within access of ordinary communities.
- 4.2 Increasingly, customers have been moving out of the Wetherby Centre in recent years in favour of smaller, community bases. The Centre itself is still used by 52 people and a further 50 people are supported in community bases around the city.
- 4.3 Staff and managers have been introducing people to new opportunities, including sessions being offered by local micro-providers who have put on 'taster' sessions. There have also been a number of information sessions where people have been introduced to independent sector provider organisations to raise awareness of what is offered and to ensure people are aware of the full range of choices available to them. (Some case studies of how people are supported in the community are included in Appendix 2.)
- 4.4 People currently being supported in the community bases will be able to explore available options and to plan how they wish to be supported in the future. Should there be sufficient demand for support arrangements similar to those that currently exist, the Council will need to consider the affordability of continuing to support those, or similar, arrangements, funded by people's Personal Budgets, assuming that achieving outcomes around work related activities and community integration can be demonstrated.
- 4.5 An additional 19 people with more profound disabilities are supported at the Wetherby Centre in a separate unit called 'Inspire'. It is proposed that an options appraisal to develop local facilities be undertaken and, as part of this, the Learning Disability service is working with colleagues in Leisure Services to explore the potential to include facilities for people with profound disabilities within a mainstream leisure development. Any development would offer a base from which other activities in the community can be pursued and will provide facilities for people to have their care needs met during the day.

- 4.6 Everybody using the Wetherby Centre has been informed of an indicative personal budget and work is underway to support them to think individually about what is important to them, what they enjoy doing and who they would choose to spend time with. In addition, group planning sessions will be facilitated to support people to make choices to do things together, pooling their personal budgets to organise support and get maximum value within the resources available. Officers are also organising a 'market stall' of providers and local mainstream opportunities and sessions that people can access. This is to help people have as much information as possible about what is available and this will include opportunities offered by the Council.
- 4.7 **Consultation process** - the main vehicle for consultation is hard copy questionnaires which are available in two versions, one being easy read. An on line survey is also available on the Council's website. The Council commissioned a local, independent self-advocacy organisation to meet with people with a learning disability, organising small group meetings, facilitating workshops and meeting people individually where requested. Through this process, people are being supported to complete easy read questionnaires or have these completed on their behalf.
- 4.7.1 Council officers have attended four group meetings with family carers with notes taken as part of the public consultation. The majority of family carers at those meetings have been those whose relatives currently use the Wetherby Centre or its community bases.
- 4.7.2 A full analysis of the consultation responses will be provided with the report presented to Council Cabinet on 5<sup>th</sup> December. Key themes that have emerged to date, based on the meetings with people with a learning disability and family carers, can be summarised as follows:
- There is a strong desire from people with learning disability to be supported in the community with friends and pursuing activities of their choice, including paid and voluntary work;
  - There is strong support from all parties for the proposal that the Council provide alternative facilities for people with profound and multiple disabilities within a mainstream community location;
  - There is a strong preference on the part of family carers for the Council to directly provide smaller day centres within the community.

## OTHER OPTIONS CONSIDERED

- 5.1 Keeping the Wetherby Centre open is neither appropriate nor affordable. It does not represent a model of support that is fit for purpose in the 21<sup>st</sup> century.

- 5.2 Research into local services provided by the independent sector for people with profound and multiple disabilities shows that whilst some services exist that people may choose to purchase, there is not the capacity overall to accommodate the existing needs of people currently using Inspire at a level that is affordable within the majority of people's Personal Budgets.

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	N/A N/A N/A N/A Jenny Pitts
<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Jenny Pitts 01332 642741 e-mail jenny.pitts@derby.gov.uk None <b>Appendix 1 – Implications</b> <b>Appendix 2 – Case Studies</b>

### IMPLICATIONS

#### Financial and Value for Money

- 1.1 The Council must ensure that people's Personal Budget amounts are sufficient for their eligible social care need for daytime support to be met. Based on indicative amounts generated, analysis is that this can be achieved within the current budget for the Wetherby Centre which is £1,783,121. The total indicative amount generated to meet customers' needs for daytime support using the Council Resource Allocation System (RAS) is expected to be in the region of £1,360,000. This will be confirmed when Support Plans are approved during December – March and can be met from the available budget.
- 1.2 The savings in 2012/13 to enable the Council to achieve a balanced budget total £304,000. The base budget for this financial year, at £1,783,121 already assumes those savings. Given that not all customers have yet moved to alternative support arrangements the savings target for 2012/13 has not yet been fully met.
- 1.3 The cost of keeping the Inspire unit open from April 2013 – March 2014, including minor capital works, will be confirmed prior to the final Cabinet report
- 1.4 Individuals with profound and multiple impairments may also be entitled to Continuing Healthcare funding which will contribute towards the cost of their daytime care and support. Those assessments are underway and expected to be completed by the end of December.

#### Legal

##### 2.1 Duty to carry out assessment of need

Local authorities have a duty to carry out an assessment of need for community care services, summarised as follows:

Under the NHS & Community Care Act 1990 (Section 47(1)) if the assessment identifies the person as being disabled the local authority is required to decide as to the services required under the Disabled Persons (Services and Consultation and Representation) Act 1986 (Section 4).

Under the Chronically Sick & Disabled Persons Act 1970 (Section 2(1)) local authorities must assess the needs of people who fall within the scope of section 29(1) of the National Assistance Act 1948 which defines a 'disabled person'.

The Carers & Disabled Children Act 2000 (Section 1) gives carers who are caring for a service user aged 18 or over, the right to an assessment (independent of that of the service user) of their ability to provide, or continue to provide, care.

## **2.2 Fair Access to Care Services and the Duty To Provide**

Once a Community Care Assessment is carried out, councils need to make decisions about whether to provide support or not to individuals. Fair Access to Care Services (FACS) provides councils with an eligibility framework for adult social care to identify whether or not the duty to provide services under the relevant legislation<sup>1</sup> is triggered. The duty on social services to provide or arrange services is triggered only for those people with eligible needs - that is, needs above the threshold for services.

Needs that are identified as eligible needs and which trigger the duty on Social Services to provide services must be met. Those needs, however, may be met in a variety of ways.

### **Personnel**

- 3.1 Approximately 60 staff work at the Wetherby Centre and its supported units and, were the service to cease, they would be supported on an individual basis to consider the implications for them and to seek redeployment as appropriate. Service closure may result in compulsory redundancies if not all staff could be redeployed or involved in any restructure associated with the continuation of any Council directly provided service.
- 3.2 A staff consultation process would run alongside the public consultation exercise. The Council has a statutory obligation, under the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRA) to inform staff with a view to engaging them in meaningful consultation. However, until the public consultation concludes, there will not be any firm proposals to progress through meaningful consultation. Therefore staff will be informed but the Council will be unlikely to be able to start formal consultation under TULRA before Cabinet receives a report in December, detailing the outcomes of the public consultation exercise and providing recommendations. As more information on the budget implications for 2013/14 becomes available, it may be possible to manage the staff consultation process alongside the wider consultation on the 2013/14 budget.

### **Equalities Impact**

- 4.1 During the public consultation, the necessary information is being communicated in ways that are appropriate for a range of stakeholders, including people with a learning disability, to ensure that they are made aware of the proposal and that their views are sought and taken into account.
- 4.2 An Equality Impact Assessment has been shared with stakeholders and updated based on their responses. A final version will be included in the final Cabinet report.

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1. National Assistance Act 1948, Chronically Sick and Disabled Person's Act 1970, National Health Services Act 1977, Community Care (Direct Payments) 1996 Act, The Carers and Disabled Children Act 2000. (Note this list is not exhaustive but covers the relevant legislation in relation to this paper)

## **Health and Safety**

- 5.1 The health and safety of customers is paramount in any proposal for service change and these would be considered on an individual basis as alternative Support Plans are agreed.

## **Environmental Sustainability**

- 6.1 Individually tailored support to people in the community that makes use of existing community resources is a more environmentally sustainable model than the running of a large building.
- 6.2 The use of new environmentally efficient buildings to accommodate facilities for people with profound disabilities is a more environmentally sustainable model than having a separate building that is not used during evenings or weekends. The aim is to ensure new facilities are able to be used flexibly in response to the needs of customers rather than operating on a restricted daytime midweek basis.

## **Asset Management**

- 7.1 As part of the consultation exercise the Estates Asset Management team are conducting an updated options appraisal that includes the potential for development of a new facilities for customers currently using the 'Inspire' unit.
- 7.2 The Estates Asset Management team have also been asked to calculate the value of the building and the site for disposal should the decision be taken to cease providing a service at that site.
- 7.3 The cost of separating the Inspire unit and running that on its own until any new facilities are available for use will be confirmed by the Estates Asset Management team as part of the options appraisal.

## **Risk Management**

- 8.1 All customers' needs have been assessed and no one will be left at risk as a result of this proposal. Every individual is being supported to identify their preferred way to receive daytime support and the planning process includes a full consideration of any associated risks.

## **Corporate objectives and priorities for change**

- 9.1 The modernisation of adult social care for people with a learning disability in Derby is taking place within the context of the directorate's overall personalisation programme. The Learning Disability Service Plan 2011/2012 therefore set out a number of strategic objectives that represent a passion about making progress in the way that learning disabled people are supported in Derby. These objectives have at their core the ambition to make Derby a city for all – including people with a learning disability.
- 9.2 Because of the impact that personalised support has on people's lives, we can fully expect outcomes to be better and this national evidence is now supported by the local Personal Outcomes Evaluation Tool (POET) survey that showed local people reporting improvements such as increased dignity and independence.

- 9.3 The vision of the **Derby Plan 2011 – 2026** (Derby City Partnership) is:  
*Derby – passionate about progress*  
The vision of the **Council Plan 2011 - 2014** is:  
*“To create a city for all, through strong leadership and excellent customer-focused services”*
- 9.4 The Adults, Health & Housing Directorate's vision includes commitments that by 2014 Adults, Health and Housing will:
- Continue to protect vulnerable people from harm
  - Further support people to live independently in the community
  - Deliver cost effective sustainable outcomes for people seeking housing and social care support
  - Maximise Choice and Control through Personal Budgets
- 9.5 **Adult Social Care Outcome Framework** (November 2011) includes the national indicators:  
ASCOF 1B - The proportion of people who use services who have control over their daily life  
ASCOF 1C (NI 130) - Social care clients receiving Self Directed Support (Direct payments and individual budgets)  
ASCOF 1E - Proportion of adults with learning disabilities in paid employment



## Case Studies

### Sam

Sam is supported by Mencap in Derby who offer a tailored service to people during the day with a person budget. He tells his story.

Mencap started to support me and yes, at first, I was nervous. I find it difficult meeting new people and being away from my family, but I really wanted to try out some new things and have a go at becoming more independent.

I started off by making small steps, asking my Mum NOT to make me a pack up for the day when she went to work and starting to make myself some basic lunches with staff support and guidance. From there it was making those steps to try and do the things I love, being active, starting to make some new friends of my own and thinking about having some taster work sessions to plan my future.

In the short time I have been supported I have been working at a local charity shop and in a café in the grounds of Shipley Country Park. I have done taster sessions at the gym, started bowling and played football regularly.

### Jess

Jess is a young lady who has a learning disability and previously attended college but due to an incident that happened was unable to continue. This resulted in her life lacking in structure, routine and unable to mix with her friends. She was a shy person who also lacked confidence and with no other services or activities in place she became increasingly bored and isolated unable to mix with others or make new friends in the community.

In planning how she was going to use her personal budget she was supported to consider what was important to her now and in the future and was able to say what some of her dreams were - one of which was to live independently away from home when the time is right.

Since the plan has been put in place Jess's quality of life has vastly improved. She is no longer bored and isolated from others in the community and has structure to her week:-

- She has attended various courses on emotional and personal well being, gaining certificates to acknowledge her achievements which have enabled her confidence to grow and anxieties be decreased. The courses have also helped her to make new friendships.
- She now has a 1:1 support worker who works with her 2 days a week which has enabled her to get out into the community and to also have training on independent living skills. She has formed a good supportive relationship with her support worker and has shopped, prepared and cooked meals for her mum with the help of this support.
- Jess is now using public transport, doing things with her friends and has also attended a medical appointment all by herself. These are things that she would not have attempted to do in the past.